

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
Emanuel Jenkins,)	
)	
Plaintiff,)	
)	
v.)	
)	C.A. No. 04-453 S
)	
State of Rhode Island, et al.,)	
)	
Defendants.)	
_____)	

ORDER

WILLIAM E. SMITH, United States District Judge.

For the reasons set forth by the Court during the July 20, 2006 hearing in this matter, the Court orders as follows:

- (1) To the extent Plaintiff seeks damages or declaratory relief against the State of Rhode Island or Rhode Island State Trooper Matthew Moynihan in his official capacity under 42 U.S.C. § 1983, Defendants' Motion for Summary Judgment is **GRANTED**;
- (2) To the extent Plaintiff has advised the Court that he does not press an objection to Defendants' Motion for Summary Judgment on the issues of the constitutionality of the stop and approach of Plaintiff's vehicle, the handcuffing of Plaintiff on the ground, the patdown of Plaintiff, the removal of Plaintiff from his vehicle and stepping on his back, and the search of Plaintiff's

vehicle, Defendants' Motion for Summary Judgment is **GRANTED**;

- (3) In all other respects, Defendants' Motion for Summary Judgment as to Counts I, III, IV, and V is **DENIED**; and
- (4) Pretrial memoranda shall be filed with the Court by **September 6, 2006** with this case being placed on the Court's October 2006 trial calendar.

IT IS SO ORDERED.

WAMM

William E. Smith
United States District Judge

Dated: 7/20/06